

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Declaration and Power of Attorney**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Method And System For Increasing Data Throughput In Communications Channels On An Opportunistic Basis**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**None**

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**None**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

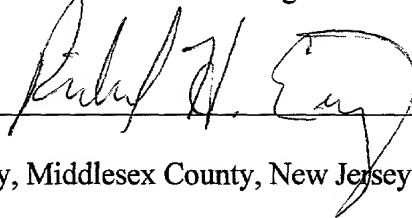
Samuel H. Dworetsky	(Reg. No. 27873)
Thomas A. Restaino	(Reg. No. 33444)
Michele L. Conover	(Reg. No. 34962)
Benjamin S. Lee	(Reg. No. 42787)
Robert B. Levy	(Reg. No. 28234)
Alfred G. Steinmetz	(Reg. No. 22971)
Cedric G. DeLaCruz	(Reg. No. 36498)
Rohini K. Garg	(Reg. No. 45272)
Susan E. McHale	(Reg. No. 35948)

I also appoint Thomas H. Jackson (Reg. No. 29808) and Catherine A. Ferguson (Reg. No. 40877) of Banner & Witcoff as associate attorneys, with full power to prosecute said application, to make alterations and amendments therein, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Please address all correspondence to Mr. S. H. Dworetsky, AT&T Corp., P.O. Box 4110, Middletown, New Jersey 07748. Telephone calls should be made to Alfred G. Steinmetz by dialing 908-221-5462.

Full name of 1<sup>st</sup> inventor: Richard H. Erving

Inventor's signature



Date

March 13, 2001

Residence: Piscataway, Middlesex County, New Jersey

Citizenship: U.S.

Post Office Address:

3 Overbrook Road  
Piscataway, NJ 08854